



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : CARRIGAN, Lori L.  
SERIAL NO : 09/489,225  
FILED : JANUARY 21, 2000  
TITLE : HYBRID MAIZE PLANT & SEED 38T27

Grp./A.U. : 1638  
Examiner : MEHTA, ASHWIN D.  
Conf. No. : 5584  
Docket No. : P04355US00

PRELIMINARY AMENDMENT

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the communication from the Examiner dated May 2, 2003, a Notice of Allowance, it is respectfully requested that this Preliminary Amendment and Request for Continued Examination (RCE) be entered and made of record. It is believed that the following amendments and remarks place the application in form for allowance, or at least, place the claims in a better form for Appeal. No new matter is presented, as such the amendment is proper under 37 C.F.R. § 1.116. Applicant respectfully requests reconsideration.

Introductory Comments

Claims 1-42 are pending in the present application.

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CERTIFICATE OF MAILING BY EXPRESS MAIL

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Patricia E. Wilson  
Express Mail Label # EV 330572455 US

**AMERICAN TYPE CULTURE COLLECTION**  
10801 University Blvd.  
Manassas, VA 20110-2209  
Telephone: 703-365-2700  
Fax: 703-365-2745

**FACSIMILE**

**Date:** May 9, 2002

**From:** ATCC Patent Depository

**REFERENCE:** Patent Deposit

Hybrid corn (maize) seed, Source C3CHA11099-00 PDF: 38T27 assigned PTA-4270

**Date of Deposit:** May 3, 2002.

*Marie Harris*  
\_\_\_\_\_  
Marie Harris, Patent Specialist  
ATCC Patent Depository

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TOTAL P.01



# ATCC

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The American Type Culture Collection (ATCC) has received your deposit of seeds in connection with the filing of an application for patent. The following information is provided to fulfill Patent Office requirements.

**Name and Address of Depositor:**

Pioneer Hi-Bred International, Inc.  
Attn: Jean M. Bromert  
7100 NW 62<sup>nd</sup> Avenue, P.O. Box 1000  
Johnston, IA 50131-1000

**Deposited on Behalf of:**

Pioneer Hi-Bred International, Inc.

**Date of Receipt of Seeds by the ATCC:**

February 3, 2000

**Scientific Description**

**Depositor's Reference**

**Patent Deposit Designation**

Inbred corn (maize) seed

NW961W2 PL, GE501400

PTA-1282—

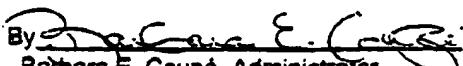
**The ATCC understands that:**

1. The deposit of these seeds does not grant ATCC a license, either express or implied, to infringe the patent, and our release of these seeds to others does not grant them a license, either express or implied, to infringe the patent.
2. If these seeds should die or be destroyed during the effective term of the patent, it shall be your responsibility to replace them with living seeds of the same type. It is also your responsibility to supply a sufficient quantity for distribution for the deposit term.

Prior to the issuance of a U.S. Patent, the ATCC agrees in consideration for a one-time service charge, not to distribute these seeds or any information relating thereto or to their deposit except as instructed by the depositor or relevant patent office. After a relevant patent issues, and we are instructed to release the seeds, they will be made available for distribution to the public without any restrictions.

The ATCC agrees to maintain the seeds for a period of 30 years from deposit date, or 5 years after the most recent request for a sample, whichever is longer. We will inform you of requests for the seeds for 30 years from date of deposit. The seeds were tested February 9, 2000 and were viable.

American Type Culture Collection

By   
Barbara E. Coupé, Administrator  
ATCC Patent Depository

Date: February 9, 2000



02-05-05

KCE/1163-6

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PTO/SB/30 (05-03)

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

**R quest  
For  
Continued Examination (RCE)  
Transmittal**

Address to:  
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Alexandria, VA 22313-1450

<i>Application Number</i>	09/489,225
<i>Filing Date</i>	January 21, 2000
<i>First Named Inventor</i>	CARRIGAN, Lori L.
<i>Art Unit</i>	1638 ✓
<i>Examiner Name</i>	Mehta, Ashwin D.
<i>Attorney Docket Number</i>	P04355US00

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

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Office on the date shown below.  
Name (Print/Type) Edmund J. Sease Date August 4, 2003  
Signature 

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## Match and Return



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# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** **(\$)** 750.00

**Comple *If Known***

Application Number	09/489,225
Filing Date	January 21, 2000
First Named Inventor	CARRIGAN, Lori L.
Examiner Name	Mehta, Ashwin D.
Art Unit	1638
Attorney Docket No.	P04355US00

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None

Deposit Account:

Deposit Account Number  
26-0084  
Deposit Account Name  
McKee, Voorhees & Sease, P.L.C.

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Change any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1) (\$)</b>		<b>0</b>	

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	X	=
			- 3** =	X	=

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2) (\$)</b>		<b>0</b>

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	750.00
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)**

750.00

SUBMITTED BY		(Complete if applicable)		
Name (Print/Type)	Edmund J. Sease	Registration No. (Attorney/Agent)	24,741	Telephone 515-288-3667
Signature	<i>Edmund J. Sease</i>	Date	August 4, 2003	

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